

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CERTAINTEED CORPORATION,

Plaintiff,

V.

BOISE CASCADE CORPORATION,

Defendant.

Civ. Action No. 02-2677

Hon. William H. Yohn

ORDER

AND NOW, this _____ day of _____, 2003, it is hereby ORDERED that Plaintiff's Motion To Preclude Proposed Testimony And Expert Report Of William M. Weilbacher is GRANTED and Defendant is precluded from offering at trial, referring to, or relying upon the report of Mr. Weilbacher or the testimony of Mr. Weilbacher.

BY THE COURT:

YOHN, J.

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CERTAINTEED CORPORATION,

Plaintiff,

v.

BOISE CASCADE CORPORATION,

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Hon. William H. Yohn

**MOTION TO PRECLUDE THE PROPOSED TESTIMONY AND EXPORT REPORT OF
WILLIAM M. WEILBACHER**

Plaintiff CertainTeed Corporation hereby moves to preclude Defendant Boise Cascade Corporation's proposed expert report and testimony of William M. Weilbacher. As established in the accompanying Memorandum of Law, the Weilbacher "survey" is riddled with methodological errors and thus does not meet the requirements of Federal Rule of Evidence 702, *Daubert*, and well-established Third Circuit law.

Expert witness depositions are to be taken by May 20, 2003.

Respectfully submitted,

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Dated: May 13, 2003